



10-31-02

PATENT / DOCKET NO. 28122.90
CUSTOMER NO. 000027683

3164/B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Murphy et al.

Serial No.: 09/864,793

Filed: May 24, 2001

For: VENTRICULAR RESTORATION PATCH
APPARATUS AND METHOD OF USE§
§
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§
§
§
§

Group Art Unit: 3764

Examiner: William H. Matthews

Box Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed for filing is an Amendment in the above-identified application.

- [X] Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.
[] A verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.
[] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE.	OR	RATE	ADDITIONAL FEE
TOTAL	*55	minus	**24	=	31	x 9	\$279	OR x 18 \$
INDEP	*4	minus	***3	=	1	x 42	\$42	OR x 84 \$
[]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ 140	\$	OR + 280	\$
					TOTAL	\$321	OR TOTAL	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [] Please charge Haynes and Boone, LLP Deposit Account No. 08-1394 in the amount of \$_____.
[X] A check in the amount of \$321.00 is attached.
[X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Haynes and Boone, LLP Deposit Account No. 08-1394.
[X] Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
[X] Any patent application processing fees under 37 C.F.R. § 1.17.
[X] A copy of this sheet is enclosed.

Respectfully submitted,

Bill R. Naifeh
Reg. No. 44,962

Date: 10/30/02
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, TX 75202-3789
Phone: 214/651-5706
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File: 28122.90
D-1071900.1

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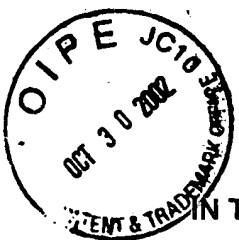
DATE OF DEPOSIT: 10/30/2002

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Ellen Lovelace

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Signature of person mailing paper and fee



**TRADEMA
N THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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AMENDMENT

Box A
Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

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Ellen Lovelace

Name of person mailing paper and fee

Mr. Franklin
Signature of person mailing paper and fee

Dear Examiner:

In response to the Office Action mailed September 24, 2002, please amend the above-identified application as follows:

In the claims

Please delete claims 1 through 14 and 20 through 24 without prejudice.

Please amend the existing claims as follows:

11/01/2002 NMOH0MM1 00000077 09864793

01 FC:2202
02 FC:2201